

44A.

(a) The [State] Department of Health *and Mental Hygiene* is hereby designated as the agency of the State, and is hereby given authority to administer a mental retardation program of nonresidential services, including day care centers for mentally retarded persons as well as a program of prevention and treatment of mental retardation.

(b) The [State] Department of Health *and Mental Hygiene* is hereby authorized to utilize the funds appropriated for the financial support of day care centers for the mentally retarded as a part of general local health services in the annual State operating budget, and when so used the proportion of State, federal, and local funds respectively shall be that specified for the financing of minimum health services.

(c) The [State Board] *Secretary* of Health and Mental Hygiene is hereby authorized to adopt rules and regulations to carry out the provisions of this section, which rules and regulations shall not be construed nor applied in any manner to supersede or prevail over (1) the rights and powers of the State and local departments of education, *and* (2) the rights and powers of the State and local departments of ~~welfare~~ SOCIAL SERVICES [and (3) the rights and powers of the State Department of Mental Hygiene].

SEC. 10. *And be it further enacted by the General Assembly of Maryland, That Sections 120, 121, 122, 131, 145 (a), 145 (b), 145 (d) and 145 (e) of Article 43 of the Annotated Code of Maryland (1957 Edition, 1965 Replacement Volume and 1968 Supplement), title "Health," subtitle "Practitioners of Medicine," be and they are hereby repealed and re-enacted, with amendments, to read as follows:*

120.

From and after June 1, 1957, there shall be one Board of Medical Examiners for the State of Maryland, *which Board shall constitute part of the Department of Health and Mental Hygiene, and shall make reports directly to the Secretary of Health and Mental Hygiene at such times as he may prescribe.* The Board of Medical Examiners for the State of Maryland, selected by the Medical and Chirurgical Faculty of Maryland, shall continue after June 1, 1957, as constituted on that date, with each member serving from the remainder of the time for which selected. The Board shall consist of eight members, who shall be selected by the Medical and Chirurgical Faculty of the State of Maryland at the annual meeting of said Faculty; and each appointee is immediately after his selection to be furnished with a certificate thereof by the Faculty. Each such member of said Board shall serve for four years, or until his successor is selected and qualified. Two examiners shall be selected by the Faculty in each year, to serve for a term of four years or until their successors are selected and qualified, the outgoing members to be eligible for re-election. The terms of office of all members so selected shall begin on the first day in June, in the year in which they shall be respectively selected; the Board is to have the exclusive right to examine, pass upon the qualifications of the license applicants for the practice of medicine or surgery in the State of Maryland. The examiners shall be physicians actually engaged in the practice